



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
December 17, 2015**

Members present: Chairman Barney Ovrut, Members Kris Behn and David Brown, Alternates Kim Mellen and Neil Forster, Building Commissioner Bill Casbarra, 40B Consultant Judi Barrett

Chairman Ovrut opened the meeting at 7:00 p.m. in the Media Center of the Foxboro High School, 120 South Street.

7:00 p.m. Carroll Advertising Company, Inc. requests a Special Sign Permit pursuant to the Code of the Town of Foxborough, Chapter 213 - Signs, Section 213-3(C)(1)(a) to install a two (2) sided, 672 square foot billboard on the property located at 1000 Washington Street. The property, known as Motorcycles of Manchester, is located in Sign District 1. Atty. Frank Spillane represented John Carroll of Carroll Advertising, who was also present. This petition is for a billboard sign on Route 1 at the former MOM's Motorcycles location. Atty. Spillane reviewed plans showing the nearest billboard is 4,000 feet away and there are no other billboard signs located within 500 feet of the proposed location.

The sign will be a static, two sided sign of approximately 672 square feet, 50 feet high and located 10 feet from the lot lines and 30 feet from the side yard due to the electrical unit located in the area. The sign will be illuminated exteriorly with spotlights either above or below. Atty. Spillane stated that the sign would have no impact on any residential areas; the closest residents are in the trailer park 350 feet away, Main Street which is 977 feet away and the R40 district which is 1,400 feet away.

This sign would add revenue to the town and state and is in an area with other general advertising signs on tanks and large pre-existing non-conforming signage.

Abutter, Jay Hanflig of Robelle Industries submitted a letter with concerns that the billboard would block the signage on his property. He has spoken with Mr. Carroll who assured him that his signage will not be blocked. Mr. Carroll submitted two photos showing the proposed sign in relation to Mr. Hanflig's signage which shows that the billboard is much higher than Mr. Hanflig's signs so there should be no blockage.

Mr. Carroll stated that he does not own the property where the sign will be located but is in the process of purchasing an easement from the landowner; Mr. Carroll will own the billboard sign.

A motion to close the Public Hearing was made by Mr. Brown and seconded by Mr. Behn. The motion carried 3-0-0.

The Board members immediately moved into deliberations. This permit will not have any adverse impacts to residents, nor create any traffic or safety concerns. The Board would like the permit to be subject to the same conditions other recently approved billboards have.

A motion to grant the Special Sign Permit for Carroll Advertising Company for a billboard sign at 1000 Washington Street subject to the following conditions: 1. The sign shall not exceed 672 square feet, 50 feet in height, and will be located at least 10 feet from the lot line and road

layout and will be outside a 500 foot radius from any other current or approved sign, 2. The sign shall be constructed and situated as shown on the proposed plans, 3. The sign shall be illuminated externally either above or below with no light wash beyond the sign area, 4. No modifications to the sign will be allowed without written approval of the Board, 5. A bond shall be established in the amount of \$10,000 for future removal costs, 6. The decision is specific to the applicant until the sign is constructed and may not be transferred during such time, 7. If the applicant transfers ownership of the sign after construction, the new owner will be required to establish a bond in an amount to be determined by the Board to pay for future removal costs if the sign is ever abandoned, 8. The applicant will obtain necessary permits from the Department of Outdoor Advertising and the Building Department was made by Mr. Brown and seconded by Mr. Behn. The motion carried 3-0-0.

7:10 p.m. Continued Public Hearing - 144 Main Street LLC requests a Comprehensive Permit entitled "Highland Ridge" pursuant to Chapter 40B of the Massachusetts General Law to approve 8 detached single family homes, 25% of which will be affordable to households earning no more than 80% of the median income. The property is located at 144 Main Street. Atty. Jeff Lovely and applicant Joe Lynch were present. Atty. Lovely stated that they looked at the multifamily option and do not think it improves the project and feel that it detracts from the project as a whole. They prefer the smaller cottage style homes in this residential area. They also do not like the idea of row houses as they would lose parking and the cluster would result in a higher building for the closest neighbors. Mr. Lynch presented sketch plans of a cluster development.

Mr. Ovrut asked if duplexes or any other style was looked at. Mr. Lynch replied that there is no other way to design the road so clustering the buildings together would only result in the loss of parking in the garages and didn't really change any of the impacts of the project.

Mr. Lynch reviewed the latest changes to the single family home option on a sketch plan; three of the homes have been further separated and are now 14 feet apart and additional space has been provided between the two front houses so they are now 15 feet apart. On the side where the neighbors have a pool an 8 foot solid pvc fence has been added behind lots 5 and 7. The second floor windows on the rear of these homes have also been changed from two windows to one 18" x 30" window 6 feet up the second floor wall to prevent those homeowners from having a visual to the pool area of the neighbor, Mr. Lynch had a sketch of the windows also. Mr. Lynch is also agreeable to having patios instead of decks on the rear of the homes.

Mr. Behn has concerns about the house in the corner, the access to the house remains awkward and asked if that one could be made into a duplex with the home next to it. Mr. Lynch does not wish to market to duplex buyers.

Ms. Barrett asked about the building designs, she feels the sketch drawing is not an accurate representation of what an alternate design could look like, the single family homes were just pushed together with no architectural designs looked at. She asked about the zero lot line approach where the homes would have interior lot lines but still separate ownership. Mr. Lynch would prefer a first floor master bedroom product.

Mr. Casbarra noted that there is a multifamily complex on Dexter Road that are 1 ½ stories tall. Mr. Behn suggested a combined approach to be less obtrusive to the neighbors. An architect should be able to solve the problem of how the homes relate to each other as neighbors.

Ms. Mellen expressed disappointment at the lack of response to the Board by the applicant, they had been asked to present new plans showing a different layout, the plan presented this evening do not have any detail and were presented as what they could not or would not do; the Board asked to see something different. A number of months have already passed during this

process and they still are not presenting any changes to make the application better, safer or more livable.

Mr. Forster asked what the neighborhood would like to see and the financial reasoning for the single family homes. Mr. Lynch stated that the town Housing Production Plan stated that more single family housing is needed for the 55+ population.

Bob Conrad of 1 Weston Avenue still feels that the project is too dense. He presented drawings showing how he felt vehicles would be located throughout the project if people have company.

Donna Howlett of 148 Main Street asked what is allowed to go there by zoning. The property is located in an R40 zone which means one house on 40,000 sq. ft. lot. There is an R15 zoning allowed in town which is homes on 7,250 sq. ft. lots.

The Board members noted that we are four months into the process, there are two months left until the hearing will need to be closed.

Ms. Barrett advised the applicants that there are a few choices that need to be made, continue with the current plan, come up with a different design or scale down the project.

Mr. Behn remains concerned with the safety element due to the amount of units on the lots.

Mr. Ovrut would prefer combination of housing as he feels it would be more beneficial to those who currently live in the neighborhood and they should be able to provide mixed residential without going up vertically.

Ms. Barrett volunteered to email examples of attached designs.

A motion to continue the Hearing to January 21, 2016 was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

GENERAL BUSINESS

Minutes – November 19, 2015 - The Board reviewed the minutes from November 19, 2015.

A motion to approve the minutes of November 19, 2015 as amended was made by Mr. Behn and seconded by Mr. Brown. The motion carried 5-0-0.

Correction to ZBA Case #14-06 – Address Correction Needed – Mr. Ovrut has prepared a correction to Case #14-06 to correct the address reference in the Nature of Application section.

A motion to sign the correction to Case #14-06 was made by Mr. Brown and seconded by Mr. Behn. The motion carried 5-0-0.

The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kristofor Behn, Clerk